

ORDINANCE 2010-01

AN ORDINANCE OF THE TOWN OF
LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING
CHAPTER 12 "LICENSES," ARTICLE 1 "BUSINESS
TAXES," SECTION 12-10 "HOURS OF BUSINESSES
WITHIN THE CITY LIMITS RESTRICTED" OF THE
CODE OF ORDINANCES; PROVIDING FOR
SEVERABILITY, CODIFICATION, AND AN
EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-by-the-Sea's ("Town's") business regulations related to hours of operation provide that no commercial business may open earlier than 6:00 a.m. and close later than 2:00 a.m.; and

WHEREAS, upon further review and inquiry, the Town Commission has determined that such business regulations should be modified in order to allow businesses throughout the Town an opportunity to provide greater service and convenience to seasonal residents and visitors; and

WHEREAS, the Town Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Town Commission has determined that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION
OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

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SECTION 2. Chapter 12 "LICENSES," Article I "Business Taxes," Section 12-10

"Hours of businesses within the city limits restricted," is hereby amended as follows:

Sec. 12-10. Hours of businesses within the city limits restricted

No mercantile or commercial business or any other place of business not specifically delineated shall open earlier than 6:00 a.m. and shall not close later than 2:00 a.m. during the months of May through September.

SECTION 3. Severability.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. Effective Date.

This Ordinance shall become effective immediately upon passage on second reading.

SECTION 5. Codification.

This Ordinance shall be codified.

SECTION 6.. Adoption.

Passed on the first reading, this ____ day of _____, 2010.

Passed on the second reading, this ____ day of _____, 2010.

Mayor Roseann Minnet

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	First Reading	Second Reading
58		
59	Mayor Minnet	_____
60	Vice-Mayor McIntee	_____
61	Commissioner Clotey	_____
62	Commissioner Silverstone	_____
63	Commissioner Dodd	_____
64	Attest:	
65	_____	
66	Town Clerk, June White	
67	(CORPORATE SEAL)	
68	Approved as to form:	
69	_____	
70	Town Attorney, Susan L. Trevarthen	

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

- a. Ordinance 2010-01: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING CHAPTER 12 "LICENSES," ARTICLE 1 "BUSINESS TAXES," SECTION 12-10 "HOURS OF BUSINESSES WITHIN THE CITY LIMITS RESTRICTED" OF THE CODE OF ORDINANCES; PROVIDING FOR SERVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Attorney Trevarthen read Ordinance 2010-01 by title. Mayor Minnet opened the meeting to public comments.

John Oughton cautioned the Commission to take the business community seriously.

Cristi Furth was not sure of the intent of the Ordinance. She asked whether it allowed drug stores and bars to stay open 24 hours during a certain time of the year and if so, she thought it was a bad idea.

Barbara Cole did not believe there was a problem with businesses being open 24 hours.

Marjorie Evans believed it would be a bad idea to allow people to drink after 2:00 a.m.

Rosa Michailiuk believed it was ok for drug stores to be open 24 hours but not bars.

Mark Brown believed that if surf fishing was allowed then why not allow businesses to be opened.

Joe Couriel believed the residents of the Town deserved more respect. He believed anything that was opened later than 2:00 a.m. would disturb the peace and tranquility.

There were no more speakers.

Commissioner Clotey wanted to reassure the people that the Ordinance did not apply to the businesses currently open.

Commissioner Silverstone said the Commission was not anti-business or anti-music. He pointed out that the Star Light was brought forth by him and Vice Mayor McIntee.

Vice Mayor McIntee clarified that every business already opened 24 hours would remain open 24 hours.

Commissioner Dodd said the current ordinance on the books said that no Commercial Business may be open before 6:00 a.m. or after 2:00 a.m. He asked whether other stores could be open 24 hours and referred to lines 34 to 36.

Attorney Trevarthen explained that Walgreens requested that they be allowed to stay open 24 hours during the winter season.

Manager Colon stated that the Ordinance was enacted in 1962 and the pier was the only business open 24 hours. She added that the issue was brought forth by the Mayor.

Mayor Minnet clarified that she did bring it up and that a letter was sent to the Commission by Walgreens. She thought it was a positive thing to have a 24 hour drug store during the tourist season.

Manager Colon wanted to clarify that the opening would apply to all business within that zoning district, and not just Walgreens.

Commissioner Dodd wanted to see the Ordinance change one by one; to have the businesses come before the Commission on an individual basis.

Vice Mayor McIntee thought it would be too political to do one business at a time.

Attorney Trevarthen stated that criteria would be required to consider businesses one by one. Manager Colon did not believe they could be selective and that criteria would have to be set by the Commission. Attorney Trevarthen agreed. Mayor Minnet believed there was an opportunity to create criteria.

Commissioner Clotey believed there should be a public meeting on this ordinance.

Commissioner Clotey made a motion to defer to April 27, 2010. Vice Mayor McIntee seconded the motion. The motion carried 5 - 0.